Land I H **(194 1) Department.**

SERIES.

G.O. No. 3241

20

Dated 30-7-41

[Despatch Abstract.]

MADRAS PREVENTION OF ADULTERATION ACT - Hospet Municipality - Raising from C to B Class - Ordered.

DEPARTMENT.

Received 2-APR 1941 19 Registered 19

Subject. 12696

Hospet Municipality-raising of from 'C' class to 'B' class for the purpose of the working of the Madras Prevention of Adulteration Act.

Records

ENCLOSURES.

No.

Spare copies

Ref No. 1450-3/Miscellaneous

Station:

From (Name) Colonel H. Stott, M.B., F.R.C.S., I.M.S.,

Designation Surgeon-General with the Govt. of

To The Secretary to the Government of Madras,

Revd. EDUCATION AND PUBLIC HEALTH Department.

Sir,

(A) The Madras Prevention of Adulteration Act was extended to the Hospet Municipality by Government in G.O.No.1982/P.H. Local Self Government, dated 6-9-33 and it was placed in 'C' class. The Municipal Health Officer, Hospet, reports that a drastic administration of the Act is necessary as a large number of samples in the Hospet Municipality has been found to be adulterated and the intervals between sampling are too wide and in certain cases the interval is more than a year. He therefore requests that the Municipality may be placed under class 'B' so that the Act could be worked more vigorously and more samples could be sent to the Government Analyst. The Municipal Council has however turned down the proposal of the Health Officer.

*A copy of the extract from the Health Officer's letter with a copy of the resolution passed by the Municipal Council is herewith enclosed for the information of Government. The Government Analyst states that if the Municipal Council has refused to accept the recommendation of the Health Officer on grounds of finance it is not justified in doing so as the working of the Madras Prevention of Adulteration Act in its area has been a source of profit to it, vide statement showing the total number of samples taken

taken and particulars about convictions and fines collected, herewith enclosed for the information of Government. I therefore recommend that the Hospet Municipality may be placed in class 'B' for the purpose of the Madras Prevention of Adulteration Act..

Colonel, I.M.S.,
R.V/31-3 Surgeon-General with the Govt. of Madras.

*Extract from the Health Officer's letter:

Though sampling of resident dealers wholesale and retail is done, the intervals between sampling are too wide and in certain cases it is more than a year. It is for this and for the reason that a drastic administration of Act is necessary here, I had moved the Council, on the recommendation of the Government Analyst in his letter C.No.3667-25/39 dated 7-8-1940, to agree to the classification of the Municipality under class 'B' so that efficient sampling can be dond with the larger minimum, but the Council in Resolution No.362 dated 31-8-1940 turned down the proposal. With the negligently small number of 4 (samples) per month and with the anxiety of the Sanitary Inspectors to collect as many adulterated samples as possible to avoid punishments from me, it will be difficult to sample dealers with greater frequency.

The Council having been largely representative of business interests, no move for a more drastic administration of the Act in this or in any manner will ever be supported unless pressure is brought to bear upon them by the Government making use of the provisions under Section 16(b). This aspect therefore requires consideration and if necessary the minimum number of samples fixed for the Municipality may be raised as even financially the Municipality stands to gain.

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*Copy of Resolution 362 dated 31--8--1940 of the Hospet Municipal Council.

Read:- 1. Note of the Commissioner dated 29-6-1940 regarding the working of the Prevention of Adulteration Act and replies of the Health Officer thereon dated 8-7-1940 and 17-7-1940.

2. Further correspondence and the letter C.No.3667-25/39 dated 7-8-1940 from the Government Analyst stating that he has no objection to place the Municipality under 'B' class and recommending that a resolution of the Council to the effect be forwarded to Government for necessary action.

Resolution:- Not necessary.

Year.	Total samples taken.	Number of convictions.	Total fines in adulterated samples.	Other fines.	Profit to Municipality.
1	2	3	4	5	6
			Rs.	Rs.	Rs.
1936 -37	48	24 50%	442	50	252
1937 -38	48	19 40% nearly	440	21	221
1938 -39	48	23 48%	520	..	140 *
1939 -40	48	21 44% nearly	475	20	114 %

* as per G.O.No.1773 P.H., dated 13--5--1939

% as per G.O.No.5336 P.H., dated 12-11-1940

E. P. H

The S. G. Letter Ref No 1450-3-Misc
081-3-1941

M.P.A Act — Hospet Municipality
— raising from 'C' to 'B' class —
12696-1-E1PH 8)21.4.41

It has been brought to the notice of the Govt that a drastic administration of the M.P.A. Act is necessary, ~~as~~ in the Hospet Municipality as a large number of samples has been found to be adulterated and that the intervals between the sampling are ~~two~~ too wide and in certain cases the interval is more than a year

The Govt observe that the Municipal council has turned down the proposal of the H.O to place it under 'B' class, ~~and see no reason in justification of the M. C's resolution. It is~~

It is ~~considered that by working the M.P.A. Act~~ also seen from

The H.O. therefore requests that the Municipality may be placed under class 'B' so that the Act may be worked more vigorously and more samples could be sent to the Govt. Analyst.

more vigorously, the Municipality stands to gain more than its profits shown in the Schedule, besides ensuring better health of the general public.

The Municipal Council is therefore requested to reconsider the question in the light of the above facts and to submit to the Govt its ~~proposal~~ a resolution agreeing to include the Municipality in the 'B' class.

The total no. of samples taken and particulars about cases and fees collected during 1936-37 to 1939-40 show that the working of the M P A. Act in this area has been a source of profit to it.

12696

To

The Commr. Hospl Municipalities
Thro' the ~~Chairman~~
C.M.C.

R. 20.5.41

Note:

The Council's consent seems necessary before further action is taken by the Govt (Vide proceedings dated 11-6-1937 of Lyo 2021 P.H. dt 5-6-39)

What will be the difference, if any, by way of the Bill & B class?

C 12696-41 96/26.5

E & P.H.

P.S. c.f. Ref :— Memo 12696-1-E1PH dt 21-4-41

M.P.A. Act — Hospet Mlty — raising from 'C' to 'B' class — Reply — Called for —

Not viewed

P.S. c.f.

Memo :— 12696-2 E1PH dt 26/5/41

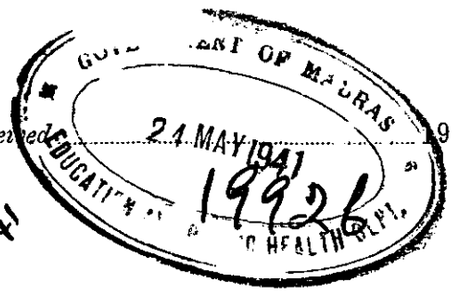
The attention of the Commr. Hospet Municipality is invited to the Govt. Memo 12696-1-E1PH dt 21.4.41 on the above subject and he is requested to expedite his report at an early date.

23/5

The Commr. Hospet Mlty. thro' the Chairman

21.5.41

DEPARTMENT.



Received 19 *Registered* 19

Subject.

Madras Prevention of Adulteration Act - Hospet Municipality - Placing of from 'C' to 'B' class - Resolution of the Council - Submitted.

ENCLOSURES.
No. One
Spare copies

C. No.2632/41-D.1.

Station Hospet, *Dated the* 17-5-1941. 19

From (Name) Sri. I. Rajarao Naidu,

(Designation) Commissioner, Hospet Municipality Hospet.

To The Secretary to the Government of Madras,

Education and Public Health Department.
Fort St. George, Madras.

Throgh

Sir,

The Chairman, Municipal Council, Hospet.

PPS-6 ef

Ref:- Memorandum of the Government No.12696-1-Edn and P.H. dated 21-4-41.

With reference to Government Memorandum above referred to, I submit herewith the resolution of the Hospet Municipal Council No.106 dated 15-5-41 passed in its meeting held on 15-5-41.

Forwarded
22.5.41.
Chairman M.C

Commissioner.
20.5.41

Copy of Council resolution No.106 dated 15-5-1941. pp 5-6 Paulé

Read the Government memorandum No.12696-1-El.P.H dated 21-4-41 requesting the Council to reconsider the question of coversion of the Municipality from 'C' Class to 'B' class for the working of the prevention of adulteration Act.

(2) Recommendations of the Health Officer dated 7-5-41 thereon .

(3) Note of the Commissioner dated 8-5-41 requesting the Council to reconsider resolution No.362 dated 31-8-40 and agree to the conversion of the Municipality from 'C' class to 'B' class for submission of 8 samples for month instead of 4 as at present.

Resolution:- Not necessary.

Sd. M.V.Swamy,
Chairman, M.C.

(True copy)

Commissioner.

With reference to D.S's query on page 2 ante it is submitted that if the Municipality in question is raised from 'C' class to 'B' class, a large no of sample may be sent for examination without extra charge. please see Page 2 of G.O No 1982.P.H dt 6-9-33.

(A)

16.4.41

16/4/41

(But that is more important is that the minimum contribution is raised from 240 to 480).

Appd

4/4

E & PH.

A draft (reminder) memo is submitted for favour of approval.

21.5.41

21/5/41

E & P.H.

With ref to Govt memo on pp 5-6 cf, the Hospet Municipality has passed a resolution to the effect that it is not necessary to raise it from 'C' to 'B'.

PPS-1088

1264
PDS-Ref

What is the population of the Mlty?
What is the population of the Mlties placed in 'B' class?

E & P. H.

The population of the Hospet municipality, according to the census of 1931 is 21673. The populations of each of the municipalities placed in 'B' class (according to census of 1931) are as under:—

	Municipalities.	Population.
1.	Adoni.	35635
2.	Bellary	47573
3.	Coonoor.	14326
4.	Dharwar	43617
5.	Erode.	33672
6.	Kurnool	35314
7.	Nellore	45895
8.	Palghat.	49064
9.	Saidapet.	33037
10	Virudunagar	33081
11	Vizianagaram.	44696
12	Sembiam pt.	33127.

12696

The population figures do not justify the elevation to 'B' class, but the Municipal Health Officer states that a large no. of samples has been found to be adulterated. I presume that Govt can raise the Mcty to 'B' class in spite of its being unwilling.

WS
7/6.

K
9/6

E & P. H.

G.O 1982 dt 6-9-33 (A)

The Govt classified the municipalities and local Panchayat Boards as A.B.C according to the size and importance of the town at the time of the classification, with or without the acceptance of the municipalities or Panchayats. Since the safety and well being of the general public is the main consideration of the Govt, it is as well open to the Govt to transfer one municipality or panchayat from C class to B class or from B class to A class, if such a necessity arises. It will appear from the notes on pp. 132-134 of G.O 1982 L.S.G & 6.9.33 that through certain municipalities wanted to be placed in C class, they were placed in B class.

A 'B' class municipality has to pay an annual contribution of Rs. 480/- and this should be possible for the Hospet Municipality to pay this contribution without any difficulties as it has been getting an average income of Rs 470/- during 1936-40 by way of fines realised under the Act. L.A. may be requested to advise with reference to the financial position of the municipality whether an annual contribution of Rs 480/- will be beyond the means of this municipality.

11.6.41

11/6

15/6

15/6

LA

Legal

Ext. Hms No: 12696 E_3

15/6/41

L.A-Dept.

The budget for 1941-42 of the Hospet Municipal Council has been submitted to Secretary on 10.6.41. The file has not yet been received from Ext P.H. This may lie over till 30.6.41.

Please

17/6

SECRETARY TO GOVERNMENT
17 JUN 1941
SOCIAL ADMINISTRATION DEPT.

Under

18/6

21.6.41

23.6.41

The financial position of the Hospet Mk. d. for the three years ending with 1941-42 is as noted below:-

	Actuals 1939-40.	R.E. 1940-41	B.E. 1941-42
Net ordinary receipts	77,054	76,570	77,586
Net ordinary Expenditure	77,761.	77,800	71,040
Surplus or deficit	-707	-1230 ✓	+6,540 ✓
M.M.V.T. Act.	-	+371	-629
Net surplus (+) or deficit (-)	-707 ✓	-859 ✓	+5,911

Provision made under Public Health Expenditure is in excess of the Statutory minimum by Rs. 4,744. The Council is unable to spend adequate sums on roads and is diverting half of the receipts under this head for other purposes. The Electric lighting account of the Municipality works at a deficit. The Ch. hopes to work at a surplus in the current year.

However as the amount involved is only Rs 480 per year, the Council may not find it difficult to meet this additional expenditure.

With these remarks the file is forwarded to [illegible] maybe returned to E.V.P.H.

The Ch. Commissioner

30/6/41

2.7.41

must get this contribution from
[illegible] fines & the Extra Expe.
if any can be met from its Surp

3/7

Dy I

Dr 4/7

L.A.2.O.No. 07238-1-5B
4.7.41

Legal department

It is by an executive order that the Government have divided the municipalities into three classes and fixed the contribution payable to them in respect of each class. It is always open to the Government to vary an executive order issued by them by another executive order, and there can be no legal objection to such variation. It is obvious that the Government must determine the payment to be made by each municipality for the services rendered to it by an officer of Government in his capacity as the public analyst of the municipality. If the municipality is unwilling to accept such determination, it must appoint its own public analyst and make arrangements for his carrying out analyses of samples. This will cost the municipality far more than the sum which it will have to pay even if its class is raised from C to B. It is therefore very unlikely that the municipality will call in question any orders passed by the Government in regard to the matter.

4224
4 - JUL 1941
LEGAL DEPARTMENT

Raj 9/7/41

A

K 11/7

DEPUTY SECRETARY TO GOVERNMENT
9 JUL 1941
EDUCATION AND PUBLIC HEALTH DEPARTMENT

K.M.
8/7/41

26620

Raj 9/7/41 S

Dy 4224 c
9/7/41

EPH

RD

12696-41.

Please see the remarks of ~~the~~ L.A and Legal on pp 4-6 ante. In the circumstances stated by them, ~~for orders~~ whether orders in this for consideration may be issued raising the Hospet Mly to B class from C class. If the Mly protests against the order, the matter may be considered on the lines suggested by Legal at A on page 6 ante. ~~For orders.~~

Orders may be issued

hrs
15/7

KHS
11-7-41

12/7

A draft order is submitted for favour of approval.

hrs
21/7

KHS
17-7-41

18/7

Fin.

Finance (Accts)

The effect of the draft will be that as against Rs 24.0/- p.a paid by the Municipality for services of the Public Analyst for examination of samples, it will have to pay Rs. 48.0 p.a and

Dep

AD
18.7.41

E.J.P.H

12696-E1.
21.7.41

SECRETARY TO GOVERNMENT
22 JUL 1941
FINANCE DEPARTMENT

6/19

Can double its samples. The statistics on p 3 of Sl no 1 show that the Municipality has been (deliberately?) restricting the number of samples to 48 (which is covered by the Contribution of Rs 240) and has been making good profit by fines realised. The Municipality objection to raising the contribution all samples to Rs 480 and 96 respectively is not understood. It should be able to cover the excess contribution of Rs 240 by additional fines realised.

The draft may therefore be accepted

22/7/41

W.M. 23/7

E.M.H.

Issue typs 24/7

→ O.S. ? Issue draft 21.7.41 Asst 1 23.7.41

E & P.H.

The draft may issue, ~~for Report~~ to A4 after circulation/~~Procedure~~.

KAS 25-7-41

25/7.

PTO

D.A. TO SECRETARY TO GOVERNMENT
24 JUL 1941
EDUCATION AND PUBLIC HEALTH DEPARTMENT

28.146 K

24/7

The S. G requests that the Hospet Municipality which is working the Prevention of Adulteration Act should be raised from 'b' class to 'B' class. A 'b' class Mlty need send only four samples (minimum) a month for analysis and pay a contribution of Rs 240 a year towards the cost of analysis.
A "B" class Mlty has to send eight samples and pay Rs 480.
The population of the Hospet Mlty and the populations of some Mlties placed in B class are shown on page 2 ante. It is seen that with the exception of Koonoor which is a special case, Hospet is appreciably smaller than the other 'B' class Municipalities.
The Municipal Council is unwilling to be elevated to the 'B' class.
Page 10 of.
LA Dept states that the finances of the Mlty do not stand in the way of the raising of the contribution from 240 to 480 Rs which will be the result of the 'elevation' to B class.
Page 5 of.
Page 6 of: Legal Dept states that it is open to the

Govt to make the change in spite of the Municipal Council being unwilling. 12696

It may be stated here that a Mcpality usually recoups the expenditure on conservation, if it is given a share of the fines realised (if the magistrate does not levy too low fines and the ~~Health~~ Sampling Officer does not content himself with sending the minimum required).

In these circumstances the Sly's proposal may perhaps be approved.

26/7

A4. Yes 26/7

The draft order may issue.

KMS
29.7-41.

29/7

26/30.7

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	30.7.	
When examined..		
When signed ..		
When despatched.		

SUBJECT :— M.P.A. Act – Hospet Municipality – raising from C to B class. – ordered.

READ ~~AGAIN~~ G.O 1982 P.W.D., dated 6-9-33 19

" " " 19

READ *ALSO* :—

No. 12696-41 from the S.G. Letter, No. 1450-3 dated 31-3-41

" 19926-41; Commr Hospet Mpty C2632-41-D1 17-5-41

" " " " 19

Order/~~Resolution~~ Ms. No. 3241, dated 30.7.41 19

pp 5-6 ct

P2 ct

In its resolution 362 dt 31/8/41 it was resolved not to recon-

P10 ct

The Commr's attention is invited to the Govt Memo 12696-IE1/PH dt 21/4/41 for the reasons stated therein ~~the~~ the Hospet Municipality Council was asked to reconsider the question of including the Municipality in B class. The Municipal Council however Resolved in its resolution No 106 dated 15.5.41 that it is not necessary to include the Municipality to place it in B class. The Govt have carefully considered the matter are and are of opinion that, in the interests of an efficient working of the proper public health admn, the P.A. Act should be worked

~~There~~ necessity and reason for the purpose

~~Act, that~~ the # municipality should be included in B class: they accordingly direct ~~that~~, in partial modification of G.O 1982-PH dt 6-9-1933, ~~#~~ Should be included in B class for purposes of Contribution payable by it with effect from 1-8-41. and that it should send to the Govt Analyst for analysis eight samples per month for an annual Contribution of Rs 480/- for each additional sample sent in a month, it will be charged at the rate of Rs 5/-

(A3)

Date

To

The Commr. Hospet Municipality
The C.M.E
.. S.G.
.. D.K.I thro' S.G.
.. D.P.H.
.. Sr. Commr. of L.F. Accounts
.. A.G.
.. Finance
.. L.A.
.. Comr. of Belary Dn
.. Inspr. of Fd. Ch. & L.B.
S.C.S 3

with a copy of memo o/s

HMB 17.7.41

Note:-

Finance for acceptance before issue

HMB 17.7.41